

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT EUGENE ROJAS,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

No. 2:21-cv-2280 DB P

ORDER

Plaintiff is a county inmate proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Presently before the court is plaintiff's motion for an order to show cause for denying the release of the public records. (ECF No. 6.)

By order dated December 20, 2021, the court denied plaintiff's motion to proceed in forma pauperis because it did not include a certified copy of his prison trust account. (ECF No. 4.) In response, plaintiff filed the instant motion for an order to show cause. (ECF No. 6.) Therein, he requests the court issue a "writ of emergency declaratory injunctive relief" directing the County of Sacramento to issue a copy of plaintiff's trust account. The court notes that plaintiff stated in the motion that he had attached as an exhibit a copy of a letter he sent to the Sacramento County Jail. However, there was no attachment filed along with the request. (See ECF No. 6.)

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1 Because plaintiff has not shown that he has requested and been denied a copy of his prison
2 trust account, the court will deny the request for an order to show cause without prejudice.
3 However, the court will grant plaintiff an additional thirty days to submit a properly completed
4 application to proceed in forma pauperis and certified copy of his inmate trust account for the six
5 month period immediately preceding the filing of the complaint. Plaintiff is warned that failure to
6 submit an in forma pauperis application could result in a recommendation that this action be
7 dismissed for failure to prosecute and failure to comply with court orders.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's request for an order to show cause (ECF No. 6) is denied without prejudice;
- 10 2. Plaintiff shall submit, within thirty days from the date of this order, a completed
11 affidavit in support of his request to proceed in forma pauperis on the form provided by the Clerk
12 of Court;
- 13 3. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
14 Forma Pauperis By a Prisoner; and
- 15 4. Plaintiff shall submit, within thirty days from the date of this order, a certified copy of
16 his inmate trust account statement for the six month period immediately preceding the filing of
17 the complaint. Plaintiff's failure to comply with this order will result in a recommendation that
18 this action be dismissed without prejudice.

19 Dated: February 2, 2022

20 /s/DEBORAH BARNES
21 UNITED STATES MAGISTRATE JUDGE
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